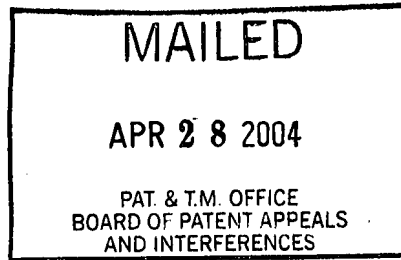


Filed by: Judge Jameson Lee  
Administrative Patent Judge  
Mail Stop Interference  
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Alexandria Va 22313-1450  
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Fax: 703-305-0942



Paper 1

Filed :  
28 April 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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THOMAS A. **MILLER** and DARREL C. PINKSTON,  
Junior Party  
(Patent 5,865,232),

v.

ROBERT D. **BRAND**,  
Senior Party  
(Application 09/377,120).

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Patent Interference No. 105,215

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**NOTICE DECLARING INTERFERENCE**  
(37 CFR § 1.611)

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

**Part B. Judge designated to handle the interference**

Administrative Patent Judge Jameson Lee has been designated to handle the interference. 37 CFR § 1.610(a).

**Part C. Standing order**

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

**Part D. Conference call to set dates**

A telephone conference call to set dates for taking action in the interference is scheduled for **1:00 p.m. on 16 June 2004** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶ 10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. The parties involved in this interference are:**

**Junior Party**

Named inventors: THOMAS A. MILLER, Indianapolis, IN  
DARREL C. PINKSTON, Muncie, IN

Patent: 5,865,232, granted 2 February 1999, based  
on Application 08/813,669, filed 7 March 1997

Title: Method and apparatus for cutting veneer  
sheets from a tapered flitch

Assignee: Miller Veneers, Inc.

Accorded Benefit: Provisional application 60/013035, filed  
8 March 1996

Attorneys: See last page

Address: See last page

Senior Party

Named Inventors: ROBERT D. BRAND, Lawrence, IN

Application: 09/377,120, filed 19 August 1999

Title: Method and apparatus for retaining a  
flitch for cutting

Assignee: None

Accorded Benefit: 09/245,954, filed 5 February 1999

5,868,187, granted 9 February 1999, based  
on application 08/752,800, filed 20 November 1996

5,701,938, granted 30 December 1997, based  
on application 08/685,207, filed 23 July 1996

5,562,137, granted 8 October 1996, based  
on application 08/455,479, filed 31 May 1995

Attorneys: See last page

Address: See last page

**Part F. Count and claims of the parties**

Count 1

Claim 1 of Miller's Patent 5,865,232

or

Claim 38 of Brand's Application 09/377,120

The claims of the parties are:

Miller: 1-20

Brand: 13-17 and 33-38

The claims of the parties which correspond to Count 1 are:

Miller: 1

Brand: 38

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Miller: 2-20

Brand: 13-17 and 33-37

**Part G. Heading to be used on papers**

The following heading shall be used on papers filed in the interference. See

STANDING ORDER ¶ 3.5.

---

Paper \_\_\_\_<sup>1</sup>

Filed on behalf of [name of party]

By: Name of lead counsel  
Name of backup counsel  
Street address  
City, State, and Zip-Code  
Tel:  
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Jameson Lee)

---

THOMAS A. **MILLER** and DARREL C. PINKSTON,  
Junior Party  
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v.

ROBERT D. **BRAND**,  
Senior Party  
(Application 09/377,120).

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Patent Interference No. 105,215

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TITLE OF PAPER

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<sup>1</sup> Leave a blank line because the board assigns the paper number.

## **Part H. Summary of dates for taking action**

Times for taking action are set out in the following sections of the STANDING ORDER:

- ¶ 4:** date for identifying lead and backup counsel.
- ¶ 5:** date for identifying any real party in interest.
- ¶ 6:** date for requesting copies of involved and benefit applications and patents.
- ¶ 7:** date for accomplishing certain discovery.
- ¶ 8:** date for filing clean copy of claims.
- ¶ 9:** date for filing clean copy of claims in cases with drawings or claims containing a means plus function limitation.
- ¶ 10:** date for filing list of proposed preliminary motions.
- ¶ 13.10.2:** dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ¶ 14.1.1:** date for objecting to admissibility of evidence.
- ¶ 14.2:** date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- ¶ 14.3:** dates when cross-examination can take place.
- ¶ 15.2:** dates for taking action with respect to settlement discussions.

**Part I. Order form for requesting file copies**

**FILE COPY REQUEST**  
**Interference 105,215**

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
2. Complete address, including street, city, state, ZIP code and telephone number (do not list a Post Office box because file copies are sent via commercial overnight courier).

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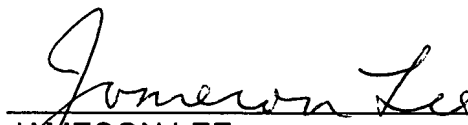
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Telephone, including area code: \_\_\_\_\_



**Part J. Signature of administrative patent judge**

  
JAMESON LEE  
Administrative Patent Judge

Date: 4/28/04

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Form PTO-850

Copy U.S. Patent 5,865,232

Copy of claims of 09/377,120

Revised May 2003

cc (via overnight delivery):

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